

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 50-70 were pending prior to the final Office Action of which claims 51 and 67-69 had been withdrawn from further consideration as being directed to non-elected invention. Claims 50-53, 56-60, 62-65, and 70 stand rejected of which claims 50 and 70 are independent. Claims 59-61 have been cancelled through this Reply. Claims 50, 55, 62, 65, 66, and 70 have been amended through this Reply. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks and amendment presented herein, and earnestly seeks timely allowance of all rejected claims. It is respectfully submitted that no new matter has been added to the application through this amendment.

Allowable Subject Matter

Applicant appreciates that claims 54, 55, 61, and 66 are indicated to define allowable subject matter.

Claim Objections

Claims 50, 55, 66, and 70 stand objected for minor informalities. These claims have been amended as suggested by the Examiner to address this issue. Accordingly, it is respectfully requested that these objections be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claim 65 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Although Applicant does not necessarily agree with the Examiner's assertion of indefiniteness, Applicant has amended claim 65 merely to expedite prosecution. Accordingly, Applicant respectfully requests that the Section 112, second paragraph rejection of claim 65 be withdrawn.

Claim Rejections - 35 U.S.C. § 102

A. Claims 50, 52, 57, and 70 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Silhengst et al. (US 6,249,375) ("Silhengst"). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, it is respectfully submitted that Silhengst fails to teach or suggest each and every claimed element of independent claims 50 and 70. For example, independent claim 50 recites, *inter alia*, "at least one light source arranged between the focusing optical device and the diaphragm, wherein a lens is used for focusing the emitted light from the light source, the light source supplying illumination of a display element viewable by a viewer and wherein at least one light source is arranged beside the lens." Note that the above-identified claim features have been incorporated from previously presented allowable claims 59-61. As acknowledged by the Examiner, the above-identified features recite allowable subject matter. (*See page 11, lines 13-18 of the final Office Action.*) Thus, it is respectfully submitted that claim 50 is allowable over Silhengst.

Independent claim 70 corresponds to a method which substantially recites the above-identified allowable features of claim 50. Thus, for at least the reasons stated above with respect to claim 50, claim 70 is also allowable over Silhengst.

Claims 52 and 57 depend from claim 50. Therefore, for at least the reasons stated with respect to claim 50, claims 52 and 57 are also distinguishable from Silhengst.

Accordingly, Applicant respectfully requests that the rejection of claims 50, 52, 57, and 70, based on Silhengst, be withdrawn.

B. Claims 50, 52-53, 56-57, 59-60, 62-63, 65, and 70 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Takahara (US 6,331,878). Applicant respectfully

traverses this rejection. Claims 59-60 have been deleted through this Reply rendering the rejection of these claims as moot.

As demonstrated above, independent claim 50 has been amended to recite the features from claim 61. As acknowledged by the Examiner, such features recite allowable subject matter. (*See page 11, lines 13-18 of the final Office Action.*) Thus, it is respectfully submitted that claim 50 is allowable over Takahara. Claims 52-53, 56-57, 62-63, 65 depend from claim 50, directly or indirectly. Therefore, for at least the reasons stated with respect to claim 50, claims 52-53, 56-57, 62-63, and 65 are allowable over Takahara.

Independent claim 70 corresponds to a method which substantially recites the above-identified allowable features of claim 50. Thus, for at least the reasons stated above with respect to claim 50, claim 70 is also allowable over Takahara.

Accordingly, Applicant respectfully requests that the rejection of claims 50, 52-53, 56-57, 62-63, 65, and 70, based on Takahara, be withdrawn.

C. Claims 50, 52, 57-58, and 70 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Amanai et al. (US Publication No. 2003/0034935). This rejection is respectfully traversed for the following reasons.

As demonstrated above, independent claim 50 has been amended to recite the features from claim 61. As acknowledged by the Examiner, such features recite allowable subject matter. (*See page 11, lines 13-18 of the final Office Action.*) Thus, it is respectfully submitted that claim 50 is allowable over Amanai. Claims 52 and 57-58 depend from claim 50, directly or indirectly. Therefore, for at least the reasons stated with respect to claim 50, claims 52 and 57-58 are allowable over Amanai.

Independent claim 70 corresponds to a method which substantially recites the above-identified allowable features of claim 50. Thus, for at least the reasons stated above with respect to claim 50, claim 70 is also allowable over Amanai.

Accordingly, Applicant respectfully requests that the rejection of claims 50, 52, 57-58, and 70, based on Amanai, be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claim 64 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Amanai in view of Noguchi et al. (U.S. Publication No. 2006/0152806)[hereinafter "Noguchi"]. Applicant respectfully traverses this rejection for the following reasons. Claim 64 depends on claim 50. As demonstrated above, Amanai fails to teach or suggest the amended features of claim 50. Noguchi has not been, and indeed cannot be, relied upon to fulfill at least this deficiency of Amanai. Therefore, it is respectfully submitted to withdraw the rejection of claim 64 based on Amanai and Noguchi.

Conclusion


In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 14, 2007

Respectfully submitted,

By  #58,755
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant